IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 710 of 2005

Between:

Smt.S.Suseela, W/o.Bhaskar Naidu,
Gottipudi Village, Thottembedu Mandal, Chittoor District.

..... PETITIONER

AND

1 The Joint Collector, Chittoor District.
2 The Revenue Divisional officer, Tirupathi, Chittoor District.
3 The Mandal Revenue officer, Thottembedu Mandal, Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 1st respondent in not disposing of the appeal on his file in case No.RocE1/36/05 filed against the order of the 2nd respondent, dated 28-12-2004 as illegal, arbitrary and unconstitutional and consequently to direct the respondents not to give effect to the order of the 2nd respondent dated 28-12-2004, pending disposal of the appeal before the 1st respondent, and to pass such other order or orders.

Counsel for the Petitioner: MR.K.MOHAN RAMI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The authorisation of the petitioner as a fair price shop dealer was cancelled by the second respondent through his order dated 28-12-2004. Aggrieved thereby, the petitioner preferred an appeal before the first respondent, together with an application for stay. The first respondent rejected the application for interim orders. Hence, this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The second respondent cancelled the authorisation of the petitioner after issuing a show cause notice and on consideration of the explanation. It is not a case where the second respondent did not consider the explanation. Even assuming that the findings recorded thereon are not correct, the petitioner cannot be permitted to function till they are set aside in the appeal. In the matters of this nature, granting of interim orders enabling the appellant to function is almost a rarity. In that view of the matter, this Court does not find any basis to interfere with the order passed by the first respondent rejecting the application for stay. He shall, however, dispose of the appeal, within a period of six weeks from the date of receipt of a copy of this Court.

The writ petition is accordingly disposed of. No order as to costs.

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25-01-2005

Note: Issue C.C. in three days.

(B/o)

kdl

To

1 The Joint Collector, Chittoor District.
2 The Revenue Divisional officer, Tirupathi, Chittoor District.
3 The Mandal Revenue officer, Thottembedu Mandal, Chittoor District.

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad. (OUT).

5 Two C.D. Copies.